

Senate File 2146 - Introduced

SENATE FILE _____
BY KREIMAN and HORN

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the criteria for cases of founded child abuse
2 placed on the central child abuse registry.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5162XS 82
5 jp/nh/14

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1 1 Section 1. Section 232.71D, subsection 2, Code 2007, is
1 2 amended to read as follows:
1 3 2. If the alleged child abuse meets the definition of
1 4 child abuse under section 232.68, subsection 2, paragraph "a",
1 5 ~~or "d", or "f",~~ and the department determines the injury or
1 6 risk of harm to the child was minor and isolated and is
1 7 unlikely to reoccur, the names of the child and the alleged
1 8 perpetrator of the child abuse and any other child abuse
1 9 information shall not be placed in the central registry as a
1 10 case of founded child abuse.
1 11 Sec. 2. Section 232.71D, subsection 3, paragraph h, Code
1 12 2007, is amended to read as follows:
1 13 h. The department determines the acts or omissions of the
1 14 alleged perpetrator meet the definition of child abuse under
1 15 section 232.68, subsection 2, paragraph "f", involving the
1 16 presence of an illegal drug and the injury or risk of harm to
1 17 the child was not minor and isolated or is likely to reoccur.

1 18 Sec. 3. RETROACTIVE REGISTRY REVIEWS.
1 19 1. A person who is a subject of a child abuse report
1 20 which, as of July 1, 2008, is included as information in the
1 21 central registry under chapter 235A involving the presence of
1 22 an illegal drug in a child's body may submit a written request
1 23 for review and expungement of the information from the central
1 24 registry which refers to the person. The request must be
1 25 submitted to the department of human services during the
1 26 period beginning July 1, 2008, and ending December 31, 2008.
1 27 2. If the review indicates the information would not be
1 28 placed in the registry as founded child abuse in accordance
1 29 with section 232.71D, subsection 2, as amended by this Act,
1 30 the information shall be expunged from the central registry.
1 31 Child abuse information which is expunged from the central
1 32 registry under this subsection shall not be retained by the
1 33 department of human services any longer than the time period
1 34 in rule for retaining information which is not placed in the
1 35 central registry, allowing credit for the amount of time the
2 1 information was held in the central registry. If the review
2 2 indicates the child abuse information would be placed in the
2 3 central registry under section 232.71D, subsection 2, as
2 4 amended by this Act, the information shall remain subject to
2 5 the provisions of section 235A.18, subsection 1, as to the
2 6 time period the information is to be retained in the registry.
2 7 In addition to reviews performed pursuant to a request made in
2 8 accordance with subsection 1, a review of such information
2 9 shall be performed under any of the following conditions:
2 10 a. The department is considering the information while
2 11 performing a record check evaluation under law.
2 12 b. A review is indicated under a procedure for performing
2 13 reviews adopted by the department for purposes of this
2 14 subsection.

EXPLANATION

2 15 This bill relates to the criteria for cases of founded
2 16 child abuse placed on the central child abuse registry.
2 17 Under current law in Code section 232.71D, subsection 2, if
2 18 an assessment has been performed and the department determines
2 19 that the abuse meets the definition of child abuse, for
2 20

2 21 certain cases an exception is authorized so that the name of
2 22 the alleged perpetrator is not placed on the central child
2 23 abuse registry as a case of founded child abuse. The cases
2 24 are limited to those involving nonaccidental physical injury
2 25 or failure to provide for adequate food, shelter, clothing, or
2 26 other care necessary for the child's health and welfare, when
2 27 the department determines that injury or risk of harm to the
2 28 child was minor and isolated and is unlikely to reoccur.

2 29 The bill amends Code section 232.71D to allow an additional
2 30 exception to registry placement requirements involving the
2 31 presence of an illegal drug in a child's body, again, only if
2 32 the department determines the injury or risk of harm to the
2 33 child was minor and isolated and is unlikely to reoccur.

2 34 The bill provides that a person whose name is in the
2 35 central child abuse registry as of July 1, 2008, for child
3 1 abuse involving the presence of an illegal drug in a child's
3 2 body may request a review and expungement of the information
3 3 based on the new criteria provided in the bill. The request
3 4 must be submitted to the department during the period
3 5 beginning July 1 and ending December 31, 2008. In addition,
3 6 the department is required to review cases in the registry
3 7 involving the presence of an illegal drug in a child's body
3 8 when a record check involving the information is being
3 9 performed or when the review is indicated under a protocol for
3 10 performing such reviews.

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